

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WOLFF LIVING TRUST, by LAURIE LATT
WOLFF and RICHARD WOLFF as trustees, on
Behalf of itself and all others similarly situated,

Case No.: 09-1540 (LBS)

Plaintiffs,

v.

FM MULTI-STRATEGY INVESTMENT FUND,
L.P., FAMILY MANAGEMENT CORPORATION,
SEYMOUR ZISES, ANDREA TESSLER,
FULVIO & ASSOCIATES, LLP, and
JOHN DOES 1-100,

Defendants.
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DECLARATION OF BRIAN MADDOX IN SUPPORT OF
FAMILY MANAGEMENT CORPORATION, SEYMOUR ZISES, ANDREA TESSLER
AND FM MULTI-STRATEGY INVESTMENT FUND, L.P.'S
MOTION TO DISMISS THE AMENDED CLASS ACTION COMPLAINT

I, BRIAN D. MADDOX, pursuant to 28 U.S.C. § 1746 declare the following under the penalty of perjury:

1. I am an associate at Lax & Neville, LLP, a member in good standing of the Bars of New York and this Court, and I am fully familiar with the facts and circumstances contained herein.

2. I submit this Declaration in support of Defendants Family Management Corporation, Seymour W. Zises, Andrea L. Tessler and FM Multi-Strategy Investment Fund, L.P.'s memorandum of law in support of their motion, pursuant to Rules 9(b), 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss with prejudice the Amended Class Action Complaint filed on May 4, 2009 by Plaintiff Wolff Living Trust.

3. Attached hereto as Exhibit A is a true and complete copy of the Amended Class Action dated May 9, 2009. ("Amended Complaint").

4. Attached hereto as Exhibit B is a true and complete copy of FM Multi-Strategy Investment Fund: Limited Partners and Beacon Investment Losses.

5. Attached hereto as Exhibit C is a true and complete copy of FM Multi-Strategy Investment Fund, L.P.'s Confidential Private Placement Memo dated January 1, 2000 ("2000 PPM").

6. Attached hereto as Exhibit D is a true and complete copy of the FM Multi-Strategy Investment Fund's Limited Partnership Agreement dated April 1, 2004. ("LPA" or "Limited Partnership Agreement").

7. Attached hereto as Exhibit E is a true and complete copy of a Family Management Corporation Account Agreement executed July 11, 2002, by Laurie Latt Wolff, as trustee of Wolff Living Trust, and FMC. ("Wolff Trust Account Agreement").

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2009, New York, New York.



BRIAN D. MADDOX